

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1184

Introduced by Assembly Member Campos

February 27, 2015

An act to amend Section 44929.21 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1184, as amended, Campos. School employees: San Jose Unified School District.

Existing law establishes a system of public elementary and secondary schools in this state pursuant to which school districts operate schools and employ certificated personnel to provide instruction to pupils. Existing law establishes procedures for the hiring of these employees, and authorizes school districts to negotiate, and enter into, collective bargaining agreements with entities representing employees. Existing law requires every employee of a school district with an average daily attendance of 250 or more to be classified as and become a permanent employee of the school district if the employee has been employed by the school district for 2 complete consecutive school years in a position requiring certification qualifications and is reelected for the next succeeding school year to a position requiring certification qualifications.

~~This bill would express the Legislature's intent to enact legislation that would facilitate implementation of an innovative teacher evaluation program that would provide for a 3rd year of probationary status for teachers in the San Jose School District, created in partnership through~~

~~the negotiations process by the San Jose Unified School District and the San Jose Teachers Association.~~

This bill, according to the terms of a collective bargaining agreement between the San Jose Unified School District and the San Jose Teachers Association, would specify when a probationary employee of the San Jose Unified School District whose probationary period commences during the 2015–16 fiscal year or any fiscal year thereafter becomes a permanent employee of the school district if the employee has been employed by the school district for one complete school year or 2 or 3 complete consecutive school years, as applicable, in a position requiring certification qualifications and the employee is reelected for the next succeeding school year to a position requiring certification qualifications.

This bill would make a legislative finding and declaration as to the necessity of a special statute applicable to the San Jose Unified School District.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) ~~It is the intent of the~~ The Legislature to enact
2 ~~finds that enacting~~ legislation that ~~would facilitate~~ facilitates
3 implementation of an innovative teacher evaluation program
4 created in partnership through the negotiations process by the San
5 Jose Unified School District and the San Jose Teachers Association.
6 ~~Association is appropriate.~~ The Legislature recognizes that the
7 San Jose Unified School District's and the San Jose Teachers
8 Association's request for a minimal amount of flexibility in the
9 establishment of an employee's right to permanent status is sound,
10 reasonable, and appropriate for the limited circumstances in which
11 it is sought; specifically, the unique and longstanding state of labor
12 relations between the leadership of the San Jose Unified School
13 District and the San Jose Teachers Association.
14 (b) ~~It is further the intent of the~~ The Legislature to enact ~~finds~~
15 ~~that enacting~~ legislation that ~~would grant~~ grants the jointly
16 negotiated and monitored evaluation program the opportunity to
17 provide for a third year of probationary status for teachers when
18 recommended by the contractually designated joint oversight ~~panel~~.
19 ~~panel is appropriate.~~ The Legislature recognizes the parties'

1 negotiated contract language ensures that the option for a third
2 year of probation could only be considered in lieu of nonreelection
3 when it is in the best interest of fairness, transparency, and
4 outstanding education in the San Jose Unified School District.

5 *SEC. 2. Section 44929.21 of the Education Code is amended*
6 *to read:*

7 44929.21. (a) Every employee of a school district of any type
8 or class having an average daily attendance of 250 *pupils* or more
9 who, after having been employed by the *school* district for three
10 complete consecutive school years in a position or positions
11 requiring certification qualifications, is reelected for the next
12 succeeding school year to a position requiring certification
13 qualifications shall, at the commencement of the *next* succeeding
14 school-year year, be classified as and become a permanent
15 employee of the *school* district. *This subdivision shall apply only*
16 *to probationary employees whose probationary period commenced*
17 *before the 1983–84 fiscal year.*

18 ~~This subdivision shall apply only to probationary employees~~
19 ~~whose probationary period commenced prior to the 1983–84 fiscal~~
20 ~~year.~~

21 (b) (1) Every employee of a school district of any type or class
22 having an average daily attendance of 250 *pupils* or more who,
23 after having been employed by the *school* district for two complete
24 consecutive school years in a position or positions requiring
25 certification qualifications, is reelected for the next succeeding
26 school year to a position requiring certification qualifications shall,
27 at the commencement of the *next* succeeding school-year year, be
28 classified as and become a permanent employee of the *school*
29 district.

30 ~~The~~

31 (2) *The governing board of the school district* shall notify the
32 employee, on or before March 15 of the employee's second
33 complete consecutive school year of employment by the *school*
34 district in a position or positions requiring certification
35 qualifications, of the decision to reelect or not reelect the employee
36 for the next succeeding school year to the position. ~~In the event~~
37 ~~that~~ *If the governing board of the school district* does not give
38 notice pursuant to this section on or before March 15, the employee
39 shall be deemed reelected for the next succeeding school year.

40 ~~This~~

1 (3) *This subdivision shall apply only to probationary employees*
2 *whose probationary period commenced during the 1983–84 fiscal*
3 *year or any fiscal year thereafter.*

4 (c) (1) (A) *Notwithstanding subdivision (b), every employee*
5 *of the San Jose Unified School District who, after having been*
6 *employed for a probationary period of one complete school year*
7 *in a position or positions requiring certification qualifications, is*
8 *reelected for the next succeeding school year to a position*
9 *requiring certification qualifications, may, at the discretion of the*
10 *San Jose Unified School District, at the commencement of the next*
11 *succeeding school year, be classified as and become a permanent*
12 *employee of the San Jose Unified School District.*

13 (B) *Notwithstanding subdivision (b), every employee of the San*
14 *Jose Unified School District who, after having been employed for*
15 *a probationary period of two complete consecutive school years*
16 *in a position or positions requiring certification qualifications, is*
17 *reelected for the next succeeding school year to a position*
18 *requiring certification qualifications, shall, unless granted a*
19 *probationary period of three complete consecutive school years*
20 *in a position or positions requiring certification qualifications*
21 *pursuant to the terms of a collective bargaining agreement as set*
22 *forth in this subdivision, at the commencement of the next*
23 *succeeding school year, be classified as and become a permanent*
24 *employee of the San Jose Unified School District.*

25 (C) *Notwithstanding subdivision (b), every employee of the San*
26 *Jose Unified School District who, after having been employed for*
27 *a probationary period of three complete consecutive school years*
28 *in a position or positions requiring certification qualifications, is*
29 *reelected for the next succeeding school year to a position*
30 *requiring certification qualifications, shall, at the commencement*
31 *of the next succeeding school year, be classified as and become a*
32 *permanent employee of the San Jose Unified School District.*

33 (2) *Notwithstanding subdivision (b), the governing board of the*
34 *San Jose Unified School District shall notify the employee, for*
35 *employees with a two-year probationary period, on or before*
36 *March 15 of the employee's second complete consecutive school*
37 *year, or for employees with a three-year probationary period,*
38 *between July 1 and March 15 of the employee's third complete*
39 *consecutive school year, of employment by the school district in*
40 *a position or positions requiring certification qualifications, of*

1 *the decision to reelect or not reelect the employee for the next*
2 *succeeding school year to the position. If the governing board of*
3 *the school district does not give notice pursuant to this section on*
4 *or before March 15 of the applicable school year, the employee*
5 *shall be deemed reelected for the next succeeding school year.*

6 *(3) Section 44948.3 shall not apply to a probationary employee*
7 *of the San Jose Unified School District with a three-year*
8 *probationary period during the employee's third complete*
9 *consecutive school year.*

10 *(4) This subdivision shall apply only to probationary employees*
11 *of the San Jose Unified School District whose probationary period*
12 *commenced during the 2015–16 fiscal year or any fiscal year*
13 *thereafter, according to the terms of a collective bargaining*
14 *agreement entered into pursuant to Chapter 10.7 (commencing*
15 *with Section 3540) of Division 4 of Title 1 of the Government Code*
16 *between the San Jose Unified School District and the San Jose*
17 *Teachers Association. In the absence of such a collective*
18 *bargaining agreement, subdivision (b) shall apply for employees*
19 *whose probationary period commenced during a fiscal year*
20 *following termination of such a collective bargaining agreement.*

21 *SEC. 3. The Legislature finds and declares that a special law*
22 *is necessary and that a general law cannot be made applicable*
23 *within the meaning of Section 16 of Article IV of the California*
24 *Constitution because of the unique labor relations situation in the*
25 *San Jose Unified School District stemming from the collective*
26 *bargaining agreement entered into between that district and the*
27 *San Jose Teachers Association in 2013. The enactment of Section*
28 *2 of this act as a special law applicable to the San Jose Unified*
29 *School District is therefore necessary.*